

## CHAPTER 11: REVIEW AUTHORITIES

### **ARTICLE 1. PURPOSE**

This Chapter establishes the responsibilities of and procedures for the entities involved in the administration of this Ordinance.

**ARTICLE 2. RESPONSIBILITY**

The responsibility for major actions required by this Ordinance is set forth herein and is summarized in *Table 11.1* below. Public hearings are required to be held for requests to amend the Zoning Ordinance or Official Zoning Map. Such hearings shall be held by the City Council having jurisdiction over the proposed amendment or amendment site. All decisions are appealable to the appropriate court in accordance with South Carolina law.

**Table 11.1. PROCEDURAL RESPONSIBILITIES**

ACTION	ZONING OFFICIAL	PLANNING COMMISSION	BOARD OF ZONING APPEALS	BOARD OF ARCHITECTURAL REVIEW	CITY/COUNTY COUNCILS
<b>Zoning Review</b>					
Building Permit	F		F/A/H		
Home Occupation	F		F/A/H		
Sign Permit	F		F/A/H	R**	
Interpretation	F		F/A/H		
Certificate of Appropriateness	R			F/H	
<b>Requests for Change or Relief</b>					
Administrative Appeal			A/H*	A/H*	
Map Amendment	R	R/H			F/H
Text Amendment	R	R/H			F/H
Historic Overlay District Amendment	R	R/H		R	F/H
Special Exception	R		F/H		
Zoning Appeal	R		F/H		
Zoning Variance	R		F/H		

\* Appeals from administrative decisions relating to the provisions of the Historic Overlay District regulations must be made to the BAR. All other appeals are made to the BZA.

\*\* Signs proposed to be located or altered in Historic Overlay Districts must be reviewed by the BAR.

**R** - Makes recommendations  
**H** - Must hold a public hearing  
**F** - Makes the final decision  
**A** - Hears the appeal to a decision

**ARTICLE 3. ZONING OFFICIAL**

It is the duty of the duly appointed Zoning Official to administer and enforce the provisions of this Ordinance. Where this Ordinance assigns a responsibility, power, or duty to the Zoning Official, the Zoning Official may delegate that responsibility to any other agent or employee of the City/County. The duties of the Zoning Official include but are not limited to:

- A. Interpret the provisions of this Ordinance to include interpretations of district designations, boundary locations, and other matters related to the Official Zoning Map; provide information to the public on zoning related matters.
- B. Maintain the Zoning Ordinance and Official Zoning Map and record all amendments in a timely manner; ensure that current copies of this Ordinance and the Official Zoning Map are available to the public.
- C. Review all applications for construction and change of land use for compliance with the provisions of this Ordinance, and issue zoning approval when such applications are in accord with the provisions of this Ordinance.
- D. Process and review all applications for variances, special exceptions, and appeals to the Board of Zoning Appeals. Process and review all applications for amendments to the text of this Ordinance or to the Official Zoning Maps.
- E. To review and recommend to the Board of Architectural Review and Council all designations for individual historic properties and historic districts, all proposed amendments that would create a new historic overlay district or alter an existing historic overlay district, and all applications for Certificates of Appropriateness for exterior repairs, demolitions, alterations, and relocations for structures in the Historic Overlay Zone.
- F. Maintain all public records related to zoning and the provisions of this Ordinance, and produce any and all reports and records as the City Council may require.
- G. Enforce the provisions of this Ordinance.

Appeals from any administrative decision of the Zoning Official shall follow the procedures established in *Chapter 12, Article 5 - Administrative Appeals*.

**ARTICLE 4. CITY/COUNTY ENGINEER**

The City/County Engineer is responsible for the updates to and review of developments within the floodplain area as shown of FEMA flood maps and within the Airport Environs area as shown on the Greenwood City/County Zoning Maps.

## **ARTICLE 5. CITY/COUNTY BUILDING OFFICIAL**

The City/County Building Official is responsible for review of all building and construction standards as set forth in the current version of the International Building Code.

**ARTICLE 6. CITY/COUNTY COUNCILS**

Pursuant to the *South Carolina Local Government Comprehensive Planning Enabling Act of 1994*, S.C. Code '6-29-310, *et seq.*, the Council of the City of Greenwood shall conduct the following activities related to zoning:

- A. Establish by ordinance and appoint members to the Joint Planning Commission, Board of Zoning Appeals (BZA), the Board of Architectural Review and any other board or commission necessary for the development and operation of a proper planning program as prescribed by the 1994 Planning Enabling Act;
- B. Furnish staff support to the Planning Commission, BZA, Board of Architectural Review, and other boards or commissions for technical assistance;
- C. Conduct public hearings, review Planning Commission recommendations, and adopt the Comprehensive Plan and Zoning Ordinance;
- D. Conduct public hearings, review Planning Commission recommendations, and make decisions on proposed amendments to the Comprehensive Plan and Zoning Ordinance; and
- E. Conduct public hearings, review Board of Architectural Review and Planning Commission recommendations, and make decisions on proposed Historic Overlay Zones and changes to existing Historic Overlay Zones.

## **ARTICLE 7. JOINT PLANNING COMMISSION**

### **11.7.1. Authority**

The Joint Planning Commission of Greenwood County is established pursuant to the authority of the *South Carolina Local Government Comprehensive Planning Enabling Act of 1994*, S.C. Code '6-29-310, *et seq.* The provisions of the 1994 Act require that the Joint Planning Commission develop and carry out a continuing planning program for the physical, social, and economic growth, development and redevelopment of the area within its authority.

### **11.7.2 Membership**

The Joint Planning Commission of Greenwood County shall consist of 15 members: seven (7) appointed by Greenwood County Council; five (5) appointed by the City of Greenwood; one (1) appointed by the Town of Ninety Six; one (1) appointed by the Town of Ware Shoals; and one (1) appointed by the Town of Troy. It is the intent that the Commission representation of the incorporated and unincorporated areas of the County be proportionate to the population in each area according to the most recent decennial Census, and the number of appointments allocated to each body shall be adjusted as necessary after each Census. All municipal representatives must reside within the corporate limits of the municipality in which they represent; all county representatives may live within a municipal corporation, but shall reside within the corporate limits of Greenwood County.

### **11.7.3. Terms of Membership**

- A. Terms of the members of the Commission shall be for three (3) years or until their successors are appointed. Terms of initial appointees shall be staggered so that one-third of the members shall have terms expiring in each year.
- B. Members of the Commission may be appointed to succeed themselves up to a maximum of three (3) full terms. Thereafter, members may be appointed only after they have been off the Commission at least one (1) year.
- C. The governing body of any participating municipality or county may remove any member of the Commission appointed by it for cause. A vacancy for any reason shall be filled for the unexpired term.
- D. Members of the Commission shall not hold an elective office and shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

### **11.7.4. Organization**

The Commission shall organize themselves, adopt bylaws to establish rules of organizational procedure, elect a chairman and vice chairman for terms of one (1) year, and appoint a secretary who may be an employee of the City/County. The Commission shall keep public records of their resolutions, findings, determinations and orders. Meetings of the Commission must be held at the call of the Chairman or at such times as the Commission may determine. Public notice of all meetings of the Commission shall be provided by publication in a newspaper of general circulation in the County. The Chairman, or in his or her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena<sup>cc</sup>

A majority of the Commission members may constitute a quorum for conducting business. A majority vote of the Commission members present at a meeting will be necessary for approval of any action by the Commission. Members whose property, income or business may be affected by a matter before the Commission must excuse themselves from any discussion and votes on that matter.

#### **11.7.5. Financing of the Commission**

The participating governing authorities shall appropriate such monies as they consider fit to finance the work of the Commission and to generally provide for the enforcement of any zoning regulations and restrictions authorized under S.C. Code of Laws, Title 6, Chapter 29, which are adopted and may accept and expend grants of money for those purposed from either private or public sources, whether local, state, or federal.

#### **11.7.6. Zoning Powers of the Commission**

The Planning Commission shall exercise the following zoning powers:

- A. Review any request for change to the text of the Ordinance or any requested amendments to the Zoning Ordinance or Official Zoning Maps, and make recommendations to the participating Councils on those requests.
- B. Conduct public hearings on requests for change to the text of the Ordinance or any requested amendments to the Zoning Ordinance or Official Zoning Maps, if so authorized by the participating Councils.
- C. Develop and recommend a Comprehensive Plan for the County, and review proposed changes to the Zoning Ordinance (map or text) for compliance with the Comprehensive Plan.



## **ARTICLE 8. JOINT BOARD OF ZONING APPEALS**

### **11.8.1. Authority**

The Joint Board of Zoning Appeals of Greenwood County is established pursuant to the authority of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code '6-29-780, *et seq.*

### **11.8.2. Membership**

The Joint Board of Zoning Appeals (the Board) consists of nine (9) members: four (4) appointed by County Council; two (2) appointed by the City of Greenwood; one (1) appointed by the Town of Ninety Six; one (1) appointed by the Town of Ware Shoals; and one (1) appointed by the Town of Troy. It is the intent that the Board representation of the incorporated and unincorporated areas of the County be proportionate to the population in each area according to the most recent decennial Census, and the number of appointments allocated to each body shall be adjusted as necessary after each Census. All municipal representatives must reside within the corporate limits of the municipality in which they represent; all county representatives may live within a municipal corporation, but shall reside within the corporate limits of Greenwood County.

### **11.8.3. Terms of Membership**

- A. Terms of the members of the Board shall be for three (3) years or until their successors are appointed. Terms of initial appointees shall be staggered so that one-third of the members shall have terms expiring in each year.
- B. Members of the Board may be appointed to succeed themselves up to a maximum of three (3) full terms. Thereafter, members may be appointed only after they have been off the Board at least one (1) year.
- C. The governing body of any participating municipality or county may remove any member of the Board appointed by it for cause. A vacancy for any reason shall be filled for the unexpired term.
- D. Members of the Board shall not hold an elective office and shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

### **11.8.4. Organization**

The Board shall organize themselves, adopt bylaws that establish rules of organizational procedure, elect a chairman and vice chairman for terms of one (1) year, and appoint a secretary who may be an employee of the City/County. The Board shall keep public records of their resolutions, findings, determinations and orders. Meetings of the Board must be held at the call of the Chairman or at such times as the Board may determine. Public notice of all meetings of the Board shall be provided by publication in a newspaper of general circulation in the County. The Chairman, or in his or her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

A majority of the Board members may constitute a quorum for conducting business. A majority vote of the Board members present at a meeting will be necessary for approval of any action by the Board. Members whose property, income or business may be affected by a matter before the Board must excuse themselves from any discussion or votes on that matter.

#### **11.8.5. Financing of the Board**

The participating governing authorities shall appropriate such monies, otherwise unappropriated, as they consider fit to finance the work of the Board and to generally provide for the enforcement of any zoning regulations and restrictions authorized under *S.C. Code of Laws, Title 6, Chapter 29*, which are adopted and may accept and expend grants of money for those purposed from either private or public sources, whether local, state, or federal.

#### **11.8.6. Powers of the Board**

The Joint Board of Zoning Appeals has the following powers:

- A. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance.
- B. To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provision of the ordinance would result in an unnecessary hardship, as described in *Chapter 12, Article 4 - Variances*.
- C. To permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the zoning ordinance.

#### **11.8.7. Stays, Hearings, Decisions, and Orders**

- A. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the participating municipality or county. The appeal must be taken within a reasonable time, as provided by the zoning ordinance or rules of the Board, or both, by filing with the officer from whom the appeal is taken and with the Joint Board of Zoning Appeals notice of appeal specifying the grounds of it. If no time is provided, the appeals must be taken within 30 days from the date the appealing party has received actual notice of the action from which the appeal is taken. The officer from whom the appeal is taken immediately shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed from him, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such cases, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- C. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it. The Board must give at least 15 days public notice of the hearing in a

newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

- D. In exercising the above power, the Board may, in conformity with the provisions of *S.C. Code of Laws, Title 6, Chapter 29*, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board in the execution of the duties specified in *Title 6, Chapter 6 of the S.C. Code of Laws*, may subpoena witnesses and, in case of contempt, may certify this fact to the Circuit Court having jurisdiction.
- E. All final decisions and orders of the Board must be issued in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

#### **11.8.8. Cases of Contempt Before the Joint Board of Zoning Appeals**

In case of contempt by a party, witness, or other person before the Joint Board of Zoning Appeals, the Board may certify this fact to the circuit court, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

#### **11.8.9. Appeal from the Joint Board of Zoning Appeals**

A person who may have a substantial interest in any decision of the Board, or an officer or agent of the appropriate governing authority, may appeal from a decision of the Board to the circuit court in and for the County of Greenwood by filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board is mailed to the appellant.

## **ARTICLE 9. JOINT BOARD OF ARCHITECTURAL REVIEW**

### **11.9.1. Authority**

The Joint Board of Architectural Review of Greenwood County is established pursuant to the authority of the *South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code '6-29-870, et seq.*

### **11.9.2. Membership**

The City of Greenwood Board of Architectural Review (the BAR) shall consist of seven (7) members appointed by City Council. Each member of City Council, including the Mayor, will recommend one (1) person for appointment to the BAR. Every reasonable attempt will be made to appoint persons who reside within the City of Greenwood and have a demonstrated interest in history or architecture. The Board of Architectural Review membership shall include the following:

- A. An architect or someone knowledgeable in building design or construction;
- B. A representative of the historical society; and
- C. A lawyer or someone knowledgeable of real estate law.

### **11.9.3. Terms of Membership**

- A. Members shall assume their duties at the first regular meeting after appointment to the Commission.
- B. Terms of the members of the Board shall be for three (3) years or until their successors are appointed. Terms of initial appointees shall be staggered so that one (1) member will serve for one (1) year, two (2) members will serve for two (2) years, and two (2) members will serve for three (3) years.
- C. Members of the Board may be appointed to succeed themselves up to a maximum of two (2) full terms. Thereafter, members may be appointed only after they have been off the Board at least one (1) year.
- D. The governing body of any participating municipality or county may remove any member of the Board appointed by it for cause. A vacancy for any reason shall be filled for the unexpired term.
- E. Members of the Board shall not hold an elective office and shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

### **11.9.4. Organization**

The Board shall organize themselves, adopt bylaws that establish rules of organizational procedure, elect a chairman and vice chairman for terms of one (1) year and no more than two (2) consecutive years, and appoint a secretary who may be an employee of the County. The Board shall keep public records of their resolutions, findings, determinations and orders. Meetings of the Board must be held at the call of the Chairman or at such times as the Board may determine. Public notice of

all meetings of the Board shall be provided by publication in a newspaper of general circulation in the City/County. The Chairman, or in his or her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

A majority of the Board members may constitute a quorum for conducting business. A majority vote of the Board members present at a meeting will be necessary for approval of any action by the Board. Members whose property, income or business may be affected by a matter before the Board must excuse themselves from any discussion or votes on that matter.

#### **11.9.5. Financing of the Board**

The participating governing authorities shall appropriate such monies, otherwise unappropriated, as they consider fit to finance the work of the Board and to generally provide for the enforcement of any zoning regulations and restrictions authorized under *S.C. Code of Laws, Title 6, Chapter 29*, which are adopted and may accept and expend grants of money for those purposed from either private or public sources, whether local, State, or Federal.

#### **11.9.6. Powers of the Board**

The Joint Board of Architectural Review has the following duties and powers:

- A. To promote the purposes and objectives of this ordinance.
- B. To review and recommend to the Council all designations for individual historic properties and historic districts.
- C. To review and recommend to the Council all proposed amendments that would create a new historic overlay district or alter an existing historic overlay district.
- D. To develop or modify and recommend to the Council design guidelines for proposed historic overlay districts.
- E. To approve, approve with conditions, or deny a Certificate of Appropriateness for all new construction, exterior repairs, demolitions, alterations, and relocations for any structure or historic property in the Historic Overlay Zone.
- F. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the regulations related specifically to the Historic Overlay District.

#### **11.9.7. Appeal to the Board of Architectural Review**

Decisions of the Zoning Official or their agent in matters under the purview of the Board may be appealed to the Board where there is an alleged error in any order, requirement, determination, or decision. The appeal follows essentially the same procedure as an appeal to the Board of Zoning Appeals. The following are the appeal steps:

- A. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of Greenwood. The appeal must be taken within a reasonable time, as provided by the Zoning Ordinance or rules of the Board, or both, by filing with the officer from whom the appeal is taken and with the Joint

Board of Architectural Review notice of appeal specifying the grounds of it. If no time is provided, the appeals must be taken within 30 days from the date the appealing party has received actual notice of the action from which the appeal is taken. The officer from whom the appeal is taken immediately shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- B. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed from him, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such cases, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- C. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it. The Board must give at least 15 days public notice of the hearing in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.
- D. In exercising the above power, the Board may, in conformity with the provisions of *S.C. Code of Laws, Title 6, Chapter 29*, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board in the execution of the duties specified in *Title 6, Chapter 6 of the S.C. Code of Laws*, may subpoena witnesses and, in case of contempt, may certify this fact to the Circuit Court having jurisdiction.
- E. All final decisions and orders of the Board must be issued in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

#### **11.9.8. Cases of Contempt Before the Joint Board of Architectural Review**

In case of contempt by a party, witness, or other person before the Joint Board of Architectural Review, the Board may certify this fact to the circuit court, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

#### **11.9.9. Appeal from the Joint Board of Architectural Review**

A person who may have a substantial interest in any decision of the Board, or an officer or agent of the City of Greenwood, may appeal from a decision of the Board to the circuit court in and for the County of Greenwood by filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board is mailed to the appellant.